IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.738 OF 2006
IN
WRIT PETITION NO.2264 OF 1999

National Bank of Agriculture
and Rural Development ...Petitioner.
Versus
The Brihan Mumbai Municipal
Corporation and 4 Ors. ...Respondents.

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Mr.S.S.Pandit, Advocate for the Petitioner.
Ms.S.M.Dandekar, AGP, for Respondents-State.

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CORAM : **DR.S.RADHAKRISHNAN AND SMT.V.K.TAHILRAMANI,JJ.**

DATED : **DECEMBER 21, 2006.**

P.C.:

1. Heard the learned counsel for the Petitioner and the learned A.G.P. for the Respondents-State. The learned counsel for the petitioner states that service on all the Respondents is complete. The learned counsel for the Petitioner undertakes to file affidavit of service within a period of two weeks from today.

2. By this Notice of Motion, the petitioner is seeking recall of our order dated 14th November, 2006 whereby the above Petition was dismissed in

default.

3. Perused the affidavit in support of the Motion. For the reasons stated in the affidavit in support of the Motion, sufficient cause is made out. There is no negligence, omission or inaction on the part of the petitioner in prosecuting the above matter. Hence, Notice of Motion is made absolute in terms of prayer clause (a).

4. Place the above Petition on board for final hearing on 22nd January, 2007.

[DR.S.RADHAKRISHNAN,J.]

[SMT.V.K.TAHILRAMANI,J.]